

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JCC

**DECLARATION OF HIDEKI  
HAYAKAWA IN SUPPORT OF  
VALVE' S MOTION TO SEAL**

I, Hideki Hayakawa, declare and state as follows in support of Valve Corporation's ("Valve") Reply Brief in Support of its Motion to Seal (Dkt #198), seeking to seal certain documents, communications, and other information contained in Plaintiffs' Motion for Class Certification and Appointment of Co-Lead Class Counsel and submitted in support of that motion:

1. I am Representative Director, President, of third party Konami Digital Entertainment Co., Ltd. ("Konami").

2. I am over the age of 18, competent to testify, and have personal knowledge of the facts stated below.

3. Konami is a Japanese developer of computer and video games.

4. Konami regularly partners with Valve, as well as other distribution partners who are not parties to this litigation, in the ordinary course of business.

HAYAKAWA DECL. ISO MOTION TO SEAL  
(CASE NO. 2:21-CV-00563-JCC) - 1

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1           5.       Konami's relationships with both customers and distributors are vital to its  
2 success as a company and Konami has invested substantially in fostering these relationships  
3 throughout nearly fifty years of operation.

4           6.       Valve has filed a motion to seal various documents and communications that  
5 contain Valve's and third parties' sensitive business information, which are collectively  
6 referred to in this Declaration and in Valve's Motion to Seal as the "Sealed Materials" (Dkt  
7 #198).

8           7.       Konami has reviewed that Motion to Seal and supports the relief that Valve  
9 requests, for the reasons provided by Valve in its Motion.

10          8.       Of particular concern to Konami, the Sealed Materials contain certain  
11 communications between Konami and Valve that risk unnecessary public disclosure of  
12 Konami's proprietary business information and trade practices.

13          9.       Konami carefully protects the confidentiality of its business information by  
14 me, Representative Director, President, Hideki Hayakawa.

15          10.       Konami is particularly concerned about the potential public disclosure of the  
16 communications contained in Exhibits 34 and 44, attached to the Declaration of Alicia Cobb  
17 in Support of Plaintiff's Motion for Class Certification (Dkt #182).

18          11.       Cobb Exhibit 34, an email chain between Valve and Konami, contains  
19 discussions of Konami's business strategies, sales, and distribution with distributors other  
20 than Valve.

21          12.       Cobb Exhibit 44, an email chain between Valve and Konami, contains  
22 discussions regarding Konami's decision-making process as it relates to international product  
23 pricing.

24          13.       As described in Valve's Motion to Seal, public disclosure of this information  
25 could cause Konami substantial competitive harm, as competitors can use this proprietary  
26 information to gain an advantage in the marketplace by, among other things, setting prices,

1 modifying their marketing activity, changing their business operations, or negotiating future  
2 contracts.

3 14. As further described in Valve's Motion to Seal, public disclosure of this  
4 highly sensitive business information could also negatively impact Konami's relationships  
5 with customers and other distributors, which are vital to Konami's success as a company.

6 15. Under the Steam Distribution Agreement that Konami and Valve both signed,  
7 Valve and Konami agreed to keep confidential the proprietary business information that is  
8 shared between the two companies, including sensitive business information like the third-  
9 party information Valve seeks to seal.

10 16. Indeed, it is standard in the industry for parties to carefully protect the  
11 confidentiality of sensitive business information because of the potential for competitive  
12 harm from disclosure of that information.

13 17. Therefore, Konami respectfully requests that the Court grant Valve's Motion  
14 to Seal.

15 I declare under penalty of perjury under the laws of the United States that the  
16 foregoing is true and correct.

17 Executed on this 5 day of April, 2024 at Tokyo, Japan.

18  
19 s/ 

20 Hideki Hayakawa  
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